IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIRST DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 19989 of 2004

Between:

M/s. Durgabai Deshmukh Hospital & Research Center, Andhra Mahila

Sabha, Univeristy Road, Hyderabad -44,
Rep. by Secretary M. Narayana Rao, S/o. M. Ramakrishnayya Aged 53 Years.

... PETITIONER

AND

1 Assistant Provident Fund Commissioner (C &R), Cir-II, Employees Provident

Fund Organisation (Ministry of Labour Government of India) Regional Office

3-4-763, Bhavishyanidhi Bhavan, Barkatpura, Hyderabad -27 and another.
2 The Appellate Authority under Employees Provident Funds & Miscellaneous

Provisions Act, 1952 NEW DELHI.
3 Spectrum Security Services, D.No. 1-9-1113/30/H/A,
Dayanad Nagar Vidyanagar, Hyderabad - 500 044.
Rep. by its Managing Director K. Ravindra Reddy

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ, order or direction particularly one in the nature of WRIT OF MANDAMUS declaring the final order issued vide Proc.No. AP/4231/Eng.C.II/T8/2004/5390 dated 12-2-2004 by the Assistant Provident Fund Commissioner (C&R), Cir-II, Employees

Provident Fund Organisation (Ministry of Labour Government of India) Regiona Office 3-4-763, Bhavishyanidhi Bhavan Barkatpura, Hyderabad-27 and all consequential proceedings issued by the first respondent on 16-5-2004 for enforcement of the orders against the petitioner are illegal, arbitrary and contrary to the provisions of the Employees Provident Funds and Miscellaneous Provisions Act 1952 and direct that the Spectrum Security Services the third respondent to pay the contribution and any amounts for who it is liable for the payments if any in the event of coverage under of the provisions of the Employees Provident Funds and Miscellaneous Provisions Act 1952 after enquiry as per the due process of law.

Counsel for the Petitioner: MS.G.SUDHA

Counsel for the Respondents 1 and 2: MR.R.N.REDDY

The Court, at the admission stage, made the following:

ORDER:

The relief claimed by the petitioner-hospital in the present writ petition and earlier writ petition filed by it, i.e. W.P.No.11809 of 2004, is one and the same. Successive writ petition for the very same relief claimed earlier cannot be granted. If petitioner has any grievance subsequent to passing the order in the earlier writ petition, it is at liberty to avail remedies available to it under law.

The writ petition is devoid of merit and it is accordingly dismissed. No costs.

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A. **GOPAL REDDY, J**

November 1, 2004

MRR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1 Assistant Provident Fund Commissioner (C &R), Cir-II, Employees Provident

Fund Organisation (Ministry of Labour Government of India) Regional Office

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3 Two C.D. Copies.